

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

ORDER

THIS MATTER is before the Court on Plaintiff's Amended Motion for Award of Attorney Fees Pursuant to the Equal Access to Justice Act (EAJA), filed on July 21, 2011. (Dkt. No. 19). By Response filed on July 22, 2011, the Defendant advises that he does not oppose an award of legal fees in the amount of \$4,703.75, provided that this is the only petition filed by Plaintiff in this case under 28 U.S.C. § 2412(d). The Defendant also agrees to pay the legal fees directly to Plaintiff's counsel so long as Plaintiff does not owe the Government a debt at the time that the EAJA fees are awarded.

NOW THEREFORE, IT IS ORDERED:

1. Plaintiff's Amended Motion For Award of Attorney Fees Pursuant to the Equal Access to Justice Act (Dkt. No. 19) is **GRANTED**, to the extent that Plaintiff's counsel shall be paid the sum of \$4,703.75 for attorney fees, so long as Plaintiff does not owe a debt to the Government at the time the fees are awarded.
2. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.
3. The Clerk is directed to serve copies of this Order to counsel for the parties.

SO ORDERED.

Signed: July 22, 2011

D S Cayer

David S. Cayer
United States Magistrate Judge

